GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

The Andhra Pradesh Minor Mineral Concession Rules, 1966 - Punitive Measures to Control Illegal Mining and Transportation of Minor Minerals - Certain Amendments to the Rules - Notification – Issued.

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INDUSTRIES & COMMERCE (MINES-III) DEPARTMENT

G.O.MS.No. 35 Dated: 01-07-2020

Read the following:-

1. G.O. Ms. No.37, Ind. & Com. (M.II) Dept., Dt.14.03.2016.
2. Lr.WP.No.16821/2018/M&G/HC, Dt.19.06.2018, received from the G.P., AP High Court Buildings.
3. Government Memo No.20034/21/M.II/2018, Dt.20.06.2018.
4. From the DMG, A.P.,Lr.No.7836/P/2014,dated 01-02-2019.

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ORDER

After careful examination of the proposal submitted by the Director of Mines and Geology, Andhra Pradesh in the letter fourth read above, Government have decided to make suitable amendments to the Andhra Pradesh Minor Mineral Concession Rules, 1966, as subsequently amended from time to time.

2. Accordingly, the following Notification will be published in an Extra Ordinary issue of the Andhra Pradesh Gazette, Dt.01.07.2020.

NOTIFICATION

In exercise of the powers conferred by section 15(1), 21(2), 22, 23(c) of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957), as amended from time to time, the Governor of Andhra Pradesh hereby makes the following amendments to the Andhra Pradesh Minor Mineral Concession Rules, 1966 issued in G.O.Ms.No.1172, Industries & Commerce (B.I) Department, 4 th September, 1967 as subsequently amended.

AMENDMENTS

In the said Rules,-

1. For the 12(5)(h)(iii) the following shall be substituted namely :-

"The lessee shall pay the Seigniorage Fee as per the rates prescribed from time to time in Schedule-I in advance for the quantity of granite, marble and 31 minor minerals mentioned at Sl. Nos. 18 to 48 in the Schedule-I of rule 10 intended to be dispatched through online under e-permit system in respective head of account and dispatch the material only after physical inspection of the blocks/quantity by the concerned Asst. Director of Mines & Geology or his staff for confirmation of volume of the blocks of Granite and Marble/ quantity of minerals.

The lessee shall furnish the details of Granite, Marble and 31 minor minerals mentioned at Sl. Nos. 18 to 48 in the Schedule-I of rule 10 dispatches with block numbers and quantity in the case of Granite and Marble, quantity and quality in the case of 31 minor minerals mentioned at Sl. Nos. 18 to 48 in the Schedule-I of rule 10 and place of consignment to the Asst. Director of Mines & Geology concerned immediately soon after the dispatch of material. However, the lessee is required to obtain the e-transit forms in advance for transportation of Granite, Marble and 31 minor minerals mentioned at Sl. Nos. 18 to 48 in the Schedule-I of rule 10 and shall render the account to the Asst. Director concerned once in a month. No second consignment of e-transit forms shall be issued unless the lessee has rendered the previous account of consignment of e-transit forms;

Provided that any misuse of e-transit forms dispatch and transportation of Granite, Marble and any of the 31 minor minerals mentioned at Sl. Nos. 18 to 48 in the Schedule-I of rule 10 without paying Seigniorage fee and any other contravention, shall result in levy of five times of the normal Seigniorage fee as penalty for the first time offence and ten times of normal Seigniorage fee as penalty for the second time offence in addition to the Normal Seigniorage fee along with DMF and MERIT amounts, for the evaded quantity by the Asst. Director of Mines & Geology or the officer authorized in this behalf by the Director of Mines & Geology.

Any subsequent offence by the lessee shall result in termination of the lease".

2. For the sub-rule (1) of rule 26 the following shall be substituted namely:-

"If any holder of mineral concession carries on quarrying operations and transports minor minerals by going beyond or encroaching outside the leased area or in any area without holding a mineral concession in contravention of these rules, the holder of such mineral concession shall be liable to pay ten times of Normal Seigniorage fee as penalty in addition to the normal Seigniorage fee along with DMF and MERIT amounts on the assessed quantities by the Asst. Director of Mines & Geology or the officer authorized in this behalf by the Director of Mines & Geology. The Asst. Director of Mines & Geology concerned may issue order for suspension of quarrying operations till realization of the penalty in addition to the normal Seigniorage fee along with DMF and MERIT amounts on the assessed quantities. Any repeated offence, shall result in termination of the lease after being given a reasonable opportunity to submit an explanation to the holder of mineral concession".

3. For the sub-rule (2)(i) of rule 26 the following shall be substituted namely:-

"Whenever any person raises, transports or causes to be raised or transported without any lawful authority, any minor minerals from any area not granted under a mineral concession and for that purpose, use any tool, equipment, vehicle or any other thing, such mineral, tool, equipment, vehicle or any other thing shall be liable to be seized by the Asst. Director of Mines & Geology or the officer authorized in this behalf by the Director of Mines & Geology and the person involved in such illegal quarrying and

transportation of such mineral shall be liable to pay ten times of Normal Seigniorage fee as penalty in addition to the normal Seigniorage fee along with DMF and MERIT amounts on the assessed quantities by the Asst. Director of Mines & Geology or the officer authorized in this behalf by the Director of Mines & Geology. On realization of the above said penalty in addition to the normal Seigniorage fee along with DMF and MERIT amounts, Asst. Director of Mines & Geology concerned may release the quantity of mineral, tool, equipment, vehicle or any other thing seized".

4. After sub-rule (2)(ii) under rule 26 the following shall be added namely:-

   "Any failure to pay the demanded amount within the stipulated time the authorised officer shall:

   a. dispose the mineral in open auction by following due procedure;
   b. confiscate the machinery, tool, equipment, vehicle or any other thing by following due procedure and seek permission to dispose such confiscated things against the demanded amount".

5. The sub-rule (3)(ii) of rule 26 shall be substituted with the following:

   If no documentary proof is produced in token of having paid the mineral revenue due to the Govt., by any person who used or consumed or in possession of any mineral including the processed mineral, such person shall be liable to pay five times of Normal Seigniorage as penalty in addition to the normal Seigniorage fee along with DMF and MERIT amounts for the said quantity.

6. For the sub-rule (3)(iii) of rule 26 the following shall be substituted namely:-

   "If the Driver or owner of the vehicle fails to produce a valid e-transit permit issued by the concerned Asst. Director of Mines & Geology or an officer authorized by the Director of Mines & Geology, the officer in charge of the check post or barrier or during the interception of the movement of the vehicle, may require the Driver or the owner of the vehicle to pay Five times of the normal Seigniorage fee as penalty in addition to the Normal Seigniorage fee along with DMF and MERIT amounts for the quantity not covered under the e-transit permit".

7. For the sub-rule (1) of rule 34 the following shall be substituted namely:-

   "No minor mineral shall be dispatched from any of the leased areas or area granted under a mineral concession without a valid e-transit permit issued by the Asst. Director of Mines & Geology concerned or any officer authorized in this behalf by the Director of Mines & Geology.

   The lessee shall furnish the details of quantity of minor minerals except Granite, Marble and 31 minor minerals mentioned at Sl. Nos. 18 to 48 in the Schedule-I of rule 10 dispatched and place of consignment to the Asst. Director of Mines & Geology concerned immediately after the dispatch of material. However, the lessee is required to obtain the e-transit forms in

advance for transportation of minor minerals and shall render the account to the Asst. Director concerned once in a month. No second consignment of e-transit forms shall be issued unless the lessee has submitted the previous account of consignment of e-transit forms;

Provided that any misuse of e-transit forms, dispatch and transportation of any minor mineral except Granite, Marble and 31 minor minerals mentioned at Sl. Nos. 18 to 48 in the Schedule-I of rule 10 without paying Seigniorage fee and any other contravention, shall result in levy of five times of the normal Seigniorage fee as penalty for the first time offence and ten times of normal Seigniorage fee as penalty for the second time offence in addition to the Normal Seigniorage fee along with DMF and MERIT amounts for the evaded quantity by the Asst. Director of Mines & Geology or the officer authorized in this behalf by the Director of Mines & Geology. Any subsequent offence shall result in termination of the lease after the holder of mineral concession submits an explanation".

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVT (M) (FAC)

To
The Commissioner of Printing, Stationery & Stores Purchases (Printing Wing), AndhraPradesh, Vijayawada. (He is requested to publish the above Notification in the Extra-Ordinary issue of A.P Gazette, with immediate effect and arrange to send 200 copies of the same to the Government in Industries & Commerce (M.III) Department and 100 copies to the Director of Mines and Geology, A.P., Ibrahimpatnam, Vijayawada.
Copy to:
The Director of Mines and Geology, A.P., Ibrahimpatnam, Vijayawada.
The Law (H) Department.
The P.S. to Secy. (Mines), Ind. & Com. Dept.
The OSD to M(M&G)/The P.S. to Prl. Secy. to C.M.
SF/SC(Comp.No.510993)

//FORWARDED :: BY ORDER//

SECTION OFFICER